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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

LOS ANGELES PRESS CLUB STATUS COUP,

PLAINTIFFS,

V.

CITY OF LOS ANGELES, a municipal entity, JIM MCDONNELL, LAPD CHIEF, sued in his official capacity;

DEFENDANTS.

Case No. 2:25-CV-05423-HDV-E

HON. HERNÁN D. VERA

DECLARATION OF CAROL A SOBEL

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I, CAROL A. SOBEL, declare as follows:

1. I am a counsel for plaintiffs in this action. I am an attorney admitted to practice before the Supreme Court of California and the Central District of California, among other federal courts. I make this declaration from facts of which I have based on personal knowledge and could and would testify to competently.

2. From 1985 to 1997 I was the First Amendment attorney at the ACLU Foundation of Southern California. In that capacity, I participated in all of the ACLU's litigation involving demonstration activities in the City of Los Angeles. Since entering private practice in 1997, I have continued to litigate First and Fourth Amendment protest cases. I estimate that I have been lead counsel or co-counsel on more than two dozen cases challenging police actions against demonstrators in Los Angeles over the past 30 years.

3. Among the First Amendment cases in which I was involved while at the ACLU was a lawsuit arising from protests of the veto by then-Governor Pete Wilson of AB101, an omnibus gay rights bill. The lawsuit, titled *Marmillion v. City of Los Angeles*, involved approximately 350 individuals who participated in a demonstration in Century City, across from the Century Plaza Hotel, where Governor Wilson was speaking at a Republican fundraiser event. *Marmillion* involved, in part, allegations of improper and capricious dispersal orders, as well as inappropriate use of force with batons by officers with the Metro mounted unit. Former ACLU staff attorney Jon Davidson and volunteer counsel Carol Watson were lead attorneys in *Marmillion*.

4. Following the uprising after the 1991 beating of Rodney King by the Los Angeles Police Department, I was one of three attorneys who worked with LAPD Captain Sandy Wasson of Risk Management and then Lieutenant Michael Hillman of Metropolitan Division over the course of nearly six months to revise the LAPD's Manual sections on Crowd Control Management and Use of Force.

1 5. In 2000, in advance of and following the Democratic National
2 Convention being held at the Staples Center, the National Lawyers Guild and the
3 ACLU Foundation of Southern California filed three cases on behalf of organizers
4 of planned protests at the Democratic National Convention. I was counsel for the
5 National Lawyers Guild on each of those actions.

6 6. The first case, *SEIU Local 660 v. City of Los Angeles*, Case No. CV 00-
7 7119-GAF (C.D. Cal. Jul 20, 2000), resulted in a preliminary injunction
8 invalidating the entire public assembly/marches permitting scheme in advance of
9 the Democratic Convention. The second, *D2K Convention Planning Coalition, et*
10 *al. v. Chief Bernard Parks*, cv-00-08556 DPP (RZx) (C.D. Cal. 2000), successfully
11 prevented a physical attack by the LAPD on the protestors at their Convergence
12 Center on the eve of the convention. This tactic was used by the police in advance
13 of the 2000 Republican National Convention in Philadelphia and a large
14 demonstration in Washington, D.C. that same year to prevent protests. On the
15 evidence presented by plaintiffs in the *D2K* case, the district court issued an order,
16 requiring the LAPD to seek a warrant from the federal court before any entry of
17 the Convergence Center.

18 7. The third lawsuit from the 2000 DNC, *National Lawyers Guild v. City*
19 *of Los Angeles*, 00-1193-S3 (CFMS) (C.D. Cal. 2000), was filed after the DNC to
20 address the crowd control policies of the LAPD, including the use of force and the
21 abrupt termination of a largely peaceful protest by the LAPD at the convention. In
22 2005, I was the lead attorney involved in negotiating a settlement of the DNC
23 litigation with former LAPD Commander Stuart Maislin and former Deputy Chief
24 Michael Hillman. The 2000 DNC was the first time the LAPD used “rubber
25 bullets” against protestors. Participants in the demonstrations were shot with
26 “rubber bullets” as they followed police orders and exited the Staples Center
27 Parking lot. Others were struck in the head and neck with batons by officers on
28 horseback. Still others were struck by officers on motorcycles while walking on

1 the sidewalk to their cars. I was personally present at the Staples Center parking
2 lot, the site of the demonstrations, throughout the DNC and both personally
3 observed and personally experienced the deployment of “rubber bullets” and the
4 use of the horses to attack individuals attempting to leave the protest site after the
5 LAPD declared an unlawful assembly.

6 8. Shortly after the use of force against protestors at the DNC, the Los
7 Angeles Police Department again deployed similar force against a permitted
8 protest at the annual October 22nd Coalition to End Police Abuse march in 2000. The
9 president of the Police Commission at the time, Gerald Chaleff, granted permission for
10 a march that would circle the block where the former police headquarters on Los
11 Angeles Street, Parker Center, was located. However, then Assistant Chief Robert
12 Vernon did not want the protestors to march around police headquarters so he
13 deliberately ignored the permit, blocked protestors’ path with horses and mounted
14 officers, and then kettled protestors on Los Angeles Street in front of Parker Center.

15 9. I was taking the deposition of Commissioner Chaleff in another case when
16 he received the call about Chief Vernon’s rejection of the permit. Commissioner
17 Chaleff spoke to me and then confirmed that the protestors could march the permitted
18 route. Despite Chaleff’s reaffirmation of the permit, the LAPD blocked the marchers’
19 passage on 1st Street with a skirmish line of officers on horseback, then charged the
20 protestors and forced them back onto Los Angeles Street, where they used overhand
21 baton strikes to injure protestors. The LAPD also used “rubber bullets.” *Davies v. City*
22 *of Los Angeles*, CV 01-09080 FMC (MANx). One individual I represented in this case
23 suffered a fractured arm when he raised it to prevent a baton strike to his head by
24 officers on horseback.

25 10. Along with Barry Litt and Paul Hoffman, I was approved as class
26 counsel in a lawsuit involving a large-scale police assault on an immigrant rights
27 march and rally in MacArthur Park in Los Angeles on May Day, 2007. See *Multi-*
28 *Ethnic Immigrant Worker Organizing Network (“MIWON”) v. City of Los Angeles*,

1 246 F.R.D. 621 (C.D. Cal. 2007). Former Judge Matz appointed us as lead class
2 counsel for settlement purposes for eight consolidated cases filed in federal
3 court arising from the May Day events. I argued the class certification motion for
4 the *MIWON* plaintiffs. The decision granting certification is published at the
5 citation set forth above.

6 11. At the hearing on the motion for class certification, Judge Matz
7 directed Plaintiffs' counsel to file with the Court a list of all the prior settlements
8 of lawsuits against the City and the LAPD for violations of the rights of protestors.
9 We were directed to include those cases that led to injunctive relief orders and those
10 that were resolved by the payment of damages only. As the order on certification
11 notes, I submitted the information as a Supplemental Declaration with attachments.
12 246 F.R.D. at 627. The order granting class certification discusses some of the
13 evidence submitted by me to the court of prior incidents.

14 12. Ultimately, the Court entered a structured settlement addressing
15 required policy changes by the LAPD. A true and correct copy of the *MIWON*
16 Structured Settlement issued by the Court is attached at Exhibit 18.

17 13. Judge Matz's order discusses two cases in particular. One, the
18 *Marmillion* case, involved a protest outside the Century Plaza Hotel in 1991 in
19 response to Governor Pete Wilson's veto of AB101, the omnibus gay rights bill.
20 Along with Jon Davidson, then at the ACLU, I represented an individual who
21 participated in that protest and had his eye socket injured when he was struck in
22 the face with a baton by a Metro Mounted Unit officer.

23 14. I was also counsel in the 1992 *Vassos* case cited in Judge Matz's order,
24 where the City agreed to changes in crowd control policies, including dispersal
25 orders. *Id.* at 627. I represented Marilyn Vassos and her husband, Angelo Vassos,
26 several times. This case involved the arrest of Vassos and others based on an illegal
27 declaration of an unlawful assembly and an insufficient order to disperse. A copy
28 of the 1995 settlement in the *Vassos* case is attached as Exhibit 19. As the *Vassos*

1 and *MIWON* settlements establish, many of the issues applicable to declaring and
2 dispersing a purported unlawful assembly and that were the subject of revisions to
3 LAPD policies and training 30 years ago are still at issue here.

4 15. I was also counsel, along with Paul Hoffman and others, in *National*
5 *Lawyers Guild, et al. v. City of Los Angeles*, CV 01-6877) FMC (C.D. Cal.). The
6 Court entered a stipulated consent judgment, incorporating the terms of the 2005
7 agreement reached in the settlement of the post-DNC litigation in *National*
8 *Lawyers Guild, supra*. The Stipulated Judgment provided for policy and
9 training revisions in crowd control practices, as well as for the Court to retain
10 jurisdiction to enforce any violation of the judgment for a specified period of years.
11 A copy of the agreement is attached at Exhibit 20.

12 16. Based on events at the 2000 DNC, the ACLU filed a lawsuit on behalf
13 of several journalists – television and photographic – for violation of their First
14 Amendment rights. The case *Al Crespo v. City of Los Angeles*, Case No. CV 00-
15 08869 (GHK) (C.D. Cal. filed Aug. 21, 2000), resulted in a settlement, setting out
16 the parameters for press access. A copy of the *Crespo* settlement is attached to my
17 declaration at Exhibit 21.

18 17. After the *MIWON* settlement, along with Mssrs. Hoffman, Litt and
19 others, I was counsel in two subsequent class actions involving mass arrests by the
20 LAPD and the failure to give adequate dispersal orders as required by the combined
21 DNC/*MIWON* settlement. Neither involved the discharge of KIPs. The next
22 protests where KIPs were discharged against members of the public and the press
23 without a declaration of an unlawful assembly and a lawful dispersal order were
24 the 2020 protests following the death of George Floyd. Along with Mssrs.
25 Hoffman and Litt, I was appointed as class counsel in the case. *Black Lives Matter,*
26 *et al. v. City of Los Angeles, et al.*, Case No. cv-20-5027 CBM (ASx).

27 18. In *Black Lives Matter*, Plaintiffs initially filed an Ex Parte
28 Application for a Temporary Restraining Order. In opposition, the City argued that

1 the George Floyd protests were an unusual event and unlikely to recur. The City
2 made this same argument unsuccessfully in opposition to any injunctive relief in
3 the *MIWON* case. 246 F.R.D. at 628.

4 19. Although Judge Marshall initially denied an emergency injunction in
5 *BLM*, within a short time thereafter, the LAPD deployed KIPs and other force at
6 multiple protests without adequate, if any, lawful justification for using such force
7 and without adequate, if any, dispersal orders. Plaintiffs renewed their request for
8 injunctive relief based on anti-Trump protests in Tujunga in July 2020, where bean
9 bag projectiles were shot at several individuals at close range, causing significant
10 injury to each protestor who was targeted.

11 20. Plaintiffs also cited to the use of force by the LAPD on July 17, 2021
12 in response to a protest at Wi-SPA. That matter is now the subject of litigation in
13 the District Court. *Woodward, et al. v. City of Los Angeles, et al.*, Case No.: 2:22-
14 cv-1306 GW (AJR). The Ninth Circuit recently summarily denied the individual
15 officer's interlocutory appeal in a related case. *Singh v. Jenal*, 2025 U.S. App.
16 LEXIS 4799 (9th Cir. 2025).

17 21. In addition, to support the renewed application for injunctive relief,
18 Plaintiffs cited a 2021 protest a year after Breonna Taylor was killed by the police
19 in March 2020 in Louisville, Tennessee, and the use of force against protestors and
20 arrests of press at protests in response to the City's closure of an encampment of
21 unhoused individuals in Echo Park. Based on these incidents of the repeated use
22 of force by the LAPD, the Court granted the motion on the new evidence submitted
23 by Plaintiffs of an ongoing threat of harm. *See* 2021 U.S. Dist. LEXIS
24 171184, 2021 WL 3162706 (issuing preliminary injunction on use of KIPs).

25 22. Attached to my declaration are several after-action reports examining
26 several large-scale demonstrations over the past two decades and the LAPD's
27 response to each. Each is an official document obtained by me from public
28 websites for the Los Angeles Police Department, Los Angeles City Council, or the

1 Los Angeles Police Commission. Each document was downloaded by me from the
2 official Los Angeles government website on which it appeared. For each exhibit,
3 I identified the source and the internet url.

4 23. Exhibit 22 is a true and correct copy of the after-action report issued
5 by the LAPD after the Mayday 2007 assaults, titled An Examination of May Day
6 2007. www.lacp.org/2007-Articles_Main/100907-Main_First-FinalReport. The
7 Report identifies, among other deficiencies, the failure to designate an area for
8 media and the subsequent violations of the *Crespo* agreement. *Id.* at pp. 43-44.
9 The Report sets out specific remedial action to accommodate the media. *Id.* at p.
10 48. The Report also sets out remedial action needed to address dispersal orders
11 and use of force.

12 24. Following the 2020 George Floyd protests in Los Angeles, three
13 separate reports were issued documenting deficiencies and recommendations for
14 policy reform. Two are attached to my declaration. The first report was entitled
15 “An Independent Examination Of The Los Angeles Police Department 2020
16 Protest Response.” Exhibit 23 is a true and correct copy of the report by former
17 LAPD personnel, including Gerald Chaleff and Sandy Jo MacArthur, at the request
18 of the City Council. It is available online at the City Council File Index at [KM_C554e-
19 20210310155205](https://www.kcmi.lacity.org/C554e-20210310155205).

20 25. Attached at Exhibit 24 is a copy of the “Safe LA|2020” after-action
21 report issued by the LAPD on the 2020 George Floyd protests. It is available on
22 the department’s website: [https://www.lapdpolicecom.lacity.org/041321/BPC_21-
23 066](https://www.lapdpolicecom.lacity.org/041321/BPC_21-066). The LAPD report noted that, in the course of the protests, the Chief’s office
24 “emailed the Al Crespo v. City of Los Angeles decision to Department personnel
25 and reminded officers of journalists’ right to cover public protests even if an
26 unlawful assembly is declared and an order to disperse is issued.” Ex. 24, p. 19.
27 The Chaleff Report noted the failure to comply with the *Crespo* settlement. Ex.
28

1 23, pp. 85-86. The LAPD report noted only that, in the midst of the protests, they
2 emailed everyone a copy of the *Crespo* settlement. Ex. 23, p. .

3 26. Attached at Exhibit 25 is the communication from the Board of Police
4 Commissioners to the Los Angeles City Council Public Safety Committee with the
5 attachments and recommendations for reform initiatives following the 2020 Floyd
6 protests. The entire document is available on the Los Angeles City Council File
7 Index at [01RM136_KM-C284e-20211008114408](#).

8 27. Attached at Exhibit 26 is the after-action report prepared by the LAPD
9 following the March, 2021 clearance of an encampment of unhoused persons at
10 Echo Park. The Report predates the amendment of Penal Code Sec. 409.

11 28. In its report on the Echo Park police response, the LAPD took the
12 position that the press was required to disperse along with the public if an unlawful
13 assembly was declared. Ex. 26, p.53. “As stated in the Department’s Media
14 Relations Handbook, California Penal Code Sections 407 and 409 state that the
15 media is not exempt from the requirement to disperse after an unlawful assembly
16 has been declared. Department policy further states that, ‘After declaring an
17 unlawful assembly, the Department will designate a dispersal route for all persons
18 present, including the news media, to use when evacuating.”

19 29. The LAPD’s action at Echo Park, restricting media access, predates
20 the amendment of California Penal Code Sec. 409.7 but postdates the decision of
21 the Ninth Circuit in *Index Newspapers LLC v. United States Marshals Serv.*, 977
22 F.3d. 817, 826 (9th Cir. 2020), declining to lift district court injunction ensuring
23 press right to remain after dispersal order.

24 30. Attached to my declaration at Exhibits 79 and 80 are true and correct
25 copies of two documents issued by the LAPD concerning Assembly Bill 48 and
26 Senate Bill 98. The first document, dated 10-30-2020, is signed by Deputy Chief
27 Dominic Choi. It sets out recognition for members of the press at protests and
28

demonstrations and reminds all department personnel that journalists may remain in an area when an unlawful assembly is declared and a dispersal order issued.

31. The second document is a memorandum dated December 8, 2021 to the Board of Police Commissioners and attaching a copy of a notice sent to all department personnel from Chief Moore on AB 48 and SB 98.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 2nd day of July, 2025, at Santa Monica, California.

Carol A. Sobel